

**POPOVICH  
& WILES, PA**

ATTORNEYS AND COUNSELORS AT LAW

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80 South Eighth Street  
Minneapolis, Minnesota 55402  
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Fax (612) 334-8994Patrick J. O'Connell  
(612) 334-8993

<b>To: Office of Petitions</b> <b>Company: United States Patent and Trademark Office</b> <b>Location: Washington, D.C.</b> <b>Phone: 703-305-9285</b> <b>Fax: 703-308-6916</b>	<b>From: Patrick J. O'Connell</b> <b>Direct phone: 612-334-8993</b>  <b>Date: February 28, 2002</b> <b>Pages including cover sheet: 18</b> <b>Reference #: 453</b>
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**Comments:**

**RE: U.S. Patent Application Serial No. 09/869,677**  
**Filing Date: October 9, 2001**  
**For: STREPTOCOCCAL ABC TRANSPORTER PROTEIN**  
**Attorney Docket No.: KCO1004US**

FAX RECEIVED

FEB 28 2002

PETITIONS OFFICE

**Certification of Facsimile Transmission**

I hereby certify that 18 pages including cover are being facsimile transmitted to the Patent and Trademark Office on the date shown below:

Date:

February 28, 2002

Signature:

Name: Jodi Jung

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#11

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Lars Björck et al.

Attorney Docket: KCO1004US

Serial No.: 09/869,677

Group Art Unit: 1645

Filed: October 9, 2001

For: STREPTOCOCCAL ABC TRANSPORTER PROTEIN

**PETITION TO CORRECT FILING DATE OF APPLICATION**

Office of Petitions  
Office of the Deputy Commissioner for Patent Examination Policy  
Commissioner for Patents  
Washington, D.C. 20231

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PETITIONS OFFICE

Dear Sir:

The above-identified patent application was granted a filing date of January 8, 2002. On this date, Applicants' undersigned representative faxed to the U.S. Patent and Trademark Office a copy of a submission that was filed by Express Mail on October 9, 2001. This October 9, 2001 submission included the declaration of the inventors. Accordingly, the proper filing date for this application is October 9, 2001, and Applicants respectfully request that the records of the U.S. Patent and Trademark Office be amended to reflect the proper filing date.

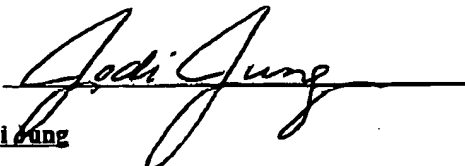
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Date:

February 28, 2002

Signature:

Name: Jodi Jung

Petition to Correct Filing Date of Application  
Applicants: Lars Björck et al.  
Serial Number: 09/869,677

Attorney Docket: KCO1004US

The following documents are enclosed to support this petition:

- (1) a complete copy of the October 9, 2001 submission, including a copy of the signed Combined Declaration for Patent Application and Power of Attorney (9 pages total);
- (2) Express Mail receipt (1 page);
- (3) Postcard stamped by U.S. Patent and Trademark Office indicating a filing date of October 9, 2001 (1 page);
- (4) February 4, 2002 Replacement Filing Receipt (2 pages); and
- (5) February 1, 2002 Notice of Acceptance of Application Under 35 U.S.C. 371 and 37 C.F.R. 1.494 or 1.495 (2 pages).

Please charge the petition fee of \$130.00 under 37 C.F.R. § 1.17(h) to Deposit Account No. 16-2312.

It is believed that no additional fees are due in connection with this submission. However, if this is incorrect, please charge any additional fees to Deposit Account No. 16-2312.

Respectfully submitted,

Dated: February 28, 2002

By Patrick J. O'Connell

Customer No. 009561  
Thomas E. Popovich (30,099)  
Patrick J. O'Connell (33,984)  
POPOVICH & WILES, PA  
IDS Center, Suite 1902  
80 South 8th Street  
Minneapolis, MN 55402  
Telephone: (612) 334-8989  
Attorneys for Applicants

The mail stamp of the Patent and Trademark Office on card acknowledges the filing on the date stamped of:

Transmitted herewith is a Transmittal Letter with cert. of express mail (2 pages, in duplicate); Change of Correspondence Address with cert. of express mail (2 pages); and Declaration and Power of Attorney (signed, 4 pages).

Applicants: Lars Bjorck et al.  
Title: Streptococcal ABC Transporter Protein  
Serial No.: 09/869,677  
File No.: KCO1004US  
Due Date:  
Initials: TEP/PJO/MGS  
Mailed: October 9, 2001  
Express Mail Label No.: EV 008531279 US

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PETITIONS OFFICE

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Lars Bjorck et al.

Attorney Docket: KCO1004US

Serial No.: 09/869,677

Filed: June 29, 2001

For: STREPTOCOCCAL ABC TRANSPORTER PROTEIN

**TRANSMITTAL LETTER**

Box PCT  
Assistant Commissioner for Patents  
Washington, D.C. 20231

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PETITIONS OFFICE

Dear Sir:

Transmitted herewith are the following:

1. Change of Correspondence Address (2 pages); and
2. Declaration and Power of Attorney (signed, 4 pages).

---

**Certificate of Express Mailing (37 C.F.R. § 1.10)**

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Date: October 9, 2001Signature: Name: Jodi Jung

Transmittal Letter

Applicants: Lars Björck et al.

Serial Number: 09/869,677

Attorney Pocket: KCO1004US

Please charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 16-2312. A duplicate copy of this transmittal letter is attached.

Respectfully submitted,

Dated: October 9, 2001

By 

Thomas E. Popovich (30,099)

Patrick J. O'Connell (33,984)

POPOVICH & WILES, PA

IDS Center, Suite 1902

80 South 8th Street

Minneapolis, MN 55402

Telephone: (612) 334-8989

Attorneys for Applicants

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Lars Björck et al.

Attorney Docket: KCO1004US

Serial No.: 09/869,677

Filed: June 29, 2001

For: STREPTOCOCCAL ABC TRANSPORTER PROTEIN

**CHANGE OF CORRESPONDENCE ADDRESS**

Box PCT  
Assistant Commissioner for Patents  
Washington, D.C. 20231

FAX RECEIVED

FEB 28 2002

Dear Sir:

The above-identified application under 35 U.S.C. § 371 was filed by another law firm and did not include a declaration and power of attorney. Responsibility for this application was transferred by the client from the previous law firm to Popovich & Wiles, P.A., whose attorneys and agent are listed in the enclosed Declaration and Power of Attorney. The enclosed executed Declaration and Power of Attorney directs that all correspondence be sent to the undersigned attorney. Consistent with the Declaration and Power of Attorney, please ensure that all correspondence is sent to:

Patrick J. O'Connell, Esq. (33,984)  
POPOVICH & WILES, P.A.  
IDS Center, Suite 1902  
80 South 8th Street  
Minneapolis, MN 55402

**Certificate of Express Mailing (37 C.F.R. § 1.10)**

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Date:

October 9, 2001

Signature:

Name: Jodi Jung

Change of Correspondence Address

Applicants: Lars Björck et al.

Serial Number: 09/869,677

Attorney Docket: KCO1004US

Please charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 16-2312.

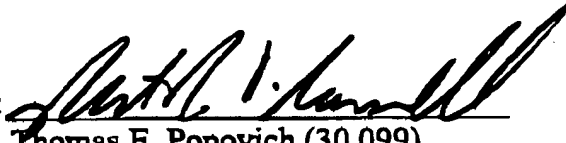
Please direct all telephone calls to Patrick J. O'Connell at (612) 334-8989.

Respectfully submitted,

Date:

October 9, 2001

By:



Thomas E. Popovich (30,099)

Patrick J. O'Connell (33,984)

POPOVICH & WILES, PA

IDS Center, Suite 1902

80 South 8th Street

Minneapolis, MN 55402

Telephone: (612) 334-8989

Attorneys for Applicants



Docket Number: KCO1004US  
Declaration for Patent Application

**COMBINED DECLARATION FOR PATENT  
APPLICATION AND POWER OF ATTORNEY**

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As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **STREPTOCOCCAL ABC TRANSPORTER PROTEIN**

the specification of which (check one)

\_\_\_\_\_ is attached hereto.

  X   was filed on June 29, 2001 in the United States Patent and Trademark Office as Application Serial No. 09/869,677 and was amended on   N/A  .

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 or 365 of any foreign application(s) for patent or inventor's certificate or PCT International Application(s) which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or PCT



Docket Number: KCO1004US  
Declaration for Patent Application

Address all correspondence to: Patrick J. O'Connell, Popovich & Wiles, PA, Suite 1902, IDS Center, 80 South 8th Street, Minneapolis, Minnesota 55402-2111.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Lars Björck

Full name of first joint inventor

X

  
Inventor's signature

August 29, 2007  
Date

Magle Stora Kyrkogata 10  
S-223 50 Lund  
Sweden

Residence

Sweden

Citizenship

Magle Stora Kyrkogata 10  
S-223 50 Lund  
Sweden

Post Office Address

Docket Number: KCO1004US  
Declaration for Patent Application

Robert Janulczyk

Full name of second joint inventor

X

  
Inventor's signature

10/9 - 01

Date

Vildanden W304

S-227 34 Lund

Sweden

Residence

Sweden

Citizenship

Vildanden W304

S-227 34 Lund

Sweden

Post Office Address

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NATIONAL OFFICE


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 MINNEAPOLIS MN 55402-2111

(KCD1004US)

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Applicants: Lars Bjorek et al.

Title: Streptococcal ABC Transporter Protein

Serial No.: 09/869,677

File No.: KCO1004US

Due Date:

Initials: TEP/PJO/MGS

Mailed: October 9, 2001

Express Mail Label No.: EV 008531279 US

ACKNOWLEDGED RECEIPT

OCT 23 2001

BY POPOVICH & WILES, PA

533 Rec'd PCT/PTO 09 OCT 2001



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 20230  
WWW.USPTO.GOV

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/869,677	01/08/2002	1645	990	100084.416USPC	4	12	3

CONFIRMATION NO. 8541

## REPLACEMENT FILING RECEIPT



\*OC000000007412349\*

Patrick J O'Connell  
Popovich & Wiles  
Ids Center Suite 1902  
80 South 8th Street  
Minneapolis, MN 55402-2111

ACKNOWLEDGED RECEIPT

FEB 03 2002

BY POPOVICH &amp; WILES, PA

Date Mailed: 02/04/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Lars Bjorck, Lund, SWEDEN;  
Robert Janulczyk, Lund, SWEDEN;

## Domestic Priority data as claimed by applicant

THIS APPLICATION IS A 371 OF PCT/GB99/04445 12/30/1999

## Foreign Applications

UNITED KINGDOM 9828880.6 12/31/1998

Projected Publication Date: Not Applicable, filed prior to November 29, 2000

Non-Publication Request: No

Early Publication Request: No

## Title

Streptococcal abc transporter protein

## Preliminary Class

424

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



Kc0100445



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box 101  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/869,677	Lars Bjorck	100084.416USPC

INTERNATIONAL APPLICATION NO.

PCT/GB99/04445

I.A. FILING DATE

12/30/1999

PRIORITY DATE

12/31/1998

Patrick J O'Connell  
Popovich & Wiles  
Ids Center Suite 1902  
80 South 8th Street  
Seattle, WA 55402-2111

CONFIRMATION NO. 8541

371 ACCEPTANCE LETTER



\*0000000007371150\*

Date Mailed: 02/01/2002

### NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.494 OR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as an Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

01/08/2002

DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and  
(c)(4) REQUIREMENTS

01/08/2002

DATE OF RECEIPT OF ALL 35 U.S.C.  
REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- U.S. Basic National Fee
- Biochemical Sequence Diskette
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Oath or Declaration
- Preliminary Amendments

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NATIONAL OFFICE

- Request for Immediate Examination

---

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

---

BARBARA A CAMPBELL

Telephone: (703) 305-3631

PART 1 - ATTORNEY/APPLICANT COPY

8703 308 6916

\*\*\*\*\*  
\*\*\* RX REPORT \*\*\*  
\*\*\*\*\*

RECEPTION OK

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